

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

[REDACTED])	Case Number [REDACTED]
)	
<i>Plaintiff,</i>)	
)	
v.)	Judge:
)	Honorable Rebecca R. Pallmeyer
CITY OF CHICAGO, a Municipal Corporation,)	
CHICAGO POLICE DETECTIVE)	
ANTHONY AMATO, STAR NO. 20511,)	Magistrate Judge:
CHICAGO POLICE OFFICER VICTOR)	Honorable Nan R. Nolan
RIVERA, STAR NO. 13011, CHICAGO POLICE)	
OFFICER J. LOPEZ, STAR NO. 809, AND)	
VARIOUS UNKNOWN OFFICERS OF THE)	
CITY OF CHICAGO, a Municipal Corporation,)	
Individually and as an Employee/Agent of the)	
CITY OF CHICAGO, a Municipal Corporation,)	
)	
<i>Defendants.</i>)	

AMENDED COMPLAINT

NOW COMES Plaintiff, [REDACTED] by and through his attorneys, HENDERSON ADAM, LLC, to complain of the Defendants, City of Chicago, a Municipal Corporation (hereinafter "City of Chicago"), Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and Various Unknown Officers of the City of Chicago as follows:

NATURE OF CASE

1. This is an action for monetary damages brought pursuant to 42 U.S.C. § 1983 and the laws of the State of Illinois.
2. Plaintiff, [REDACTED] brings this action to obtain redress for Defendants' misconduct, which has included, among other things, unlawfully seizing and detaining Plaintiff; and causing Plaintiff to sustain emotional, physical and economic injuries.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and § 1343 because Plaintiff's claims arise under the Constitution and laws of the United States.

4. Venue is proper pursuant to 28 U.S.C. § 1391 (b) because the facts that give rise to the claims occurred within the Northern District of Illinois.

THE PARTIES

5. At all relevant times herein, Plaintiff, [REDACTED] resided in Chicago, Illinois.

6. At all relevant times herein, Defendant, City of Chicago was a Municipal Corporation and the principal employer of Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), and Chicago Police Officer J. Lopez (Star No. 809).

7. At all relevant times herein, Defendant, Amato (Star No. 20511), resided in Chicago, Illinois, served as a duly appointed City of Chicago employee, and acted in his official capacity and under the color law and in the course and scope of his employment with the City of Chicago as a sworn law enforcement officer.

8. At all relevant times herein, Defendant, Rivera (Star No. 13011), resided in Chicago, Illinois, served as a duly appointed City of Chicago and Chicago Police Department employee, and acted in his official capacity and under the color of law and in the course and scope of his employment with the City of Chicago as a sworn law enforcement officer.

9. At all relevant times herein, Defendant, J. Lopez (Star No. 809), resided in Chicago, Illinois, served as a duly appointed City of Chicago and Chicago Police Department employee, and acted in his official capacity and under the color of law and in the course and scope of his employment with the City of Chicago as a sworn law enforcement officer.

10. At all relevant times, various unknown officers (whose names have yet to be discovered) resided in Chicago, Illinois, served as duly appointed City of Chicago and Chicago Police Department employees, and acted in their official capacities and under the color of law and in the course and scope of their employment with the City of Chicago as sworn law enforcement officers.

11. The Defendant Officers are sued in their individual capacity.

FACTUAL BACKGROUND

12. On or about October 2, 2009, Defendant, City of Chicago, a Municipal Corporation, owned, operated, managed and/or controlled the City of Chicago, Area 2, Police Department.

13. On or about October 2, 2009, and thereafter Defendant City of Chicago, through its duly authorized agents/employees, Defendants, Chicago Police Detective Anthony Amato, Star No. 20511, and Chicago Police Officer Victor Rivera, Star No. 13011, committed various reckless and intentional acts for which Defendant, City of Chicago, is vicariously liable.

14. On October 2, 2009, Plaintiff, [REDACTED] was charged with armed habitual criminal, unlawful use of a weapon by a felon, possession of a controlled substance with intent to deliver, and aggravated unlawful use of a weapon. See People of the State of Illinois v. [REDACTED]

[REDACTED] Case No. [REDACTED]

15. On October 2, 2009, Plaintiff, [REDACTED] was arrested by Defendant, Chicago Police Detective Anthony Amato, Star No. 20511, and Defendant, Chicago Police Officer Victor Rivera, Star No. 13011, at the location of [REDACTED] Chicago, Illinois.

16. Defendant, Chicago Police Officer Police Officer J. Lopez, Star No. 809, was the supervising officer of Defendants, Chicago Police Detective Anthony Amato, Star No. 20511, and Chicago Police Officer Victor Rivera, Star No. 13011.

17. On October 28, 2009, Defendant, Chicago Police Detective Anthony Amato, Star No. 20511, testified under oath, before the Grand Jury of Cook County.

18. At the Grand Jury hearing, Defendant, Chicago Police Detective Anthony Amato, Star No. 20511, testified that the evidence upon which the Grand Jury was to indict Plaintiff, [REDACTED] was obtained as a result of a search of a residence located at [REDACTED] Apartment Southeast.

19. Defendant, Chicago Police Detective Anthony Amato, Star No. 20511, went on to inform the Grand Jury, while continually under oath, that the Chicago police officers were able to conduct the search of the residence because Plaintiff, [REDACTED] signed a "Consent to Search Form", giving the said officers consent to search.

20. According to Defendant, Chicago Police Detective Anthony Amato's (Star No. 20511), sworn testimony, the items located in the residence of Plaintiff, [REDACTED] was solely found due to the signing of a "Consent to Search Form" by Plaintiff [REDACTED]

21. On October 2, 2009, Plaintiff, [REDACTED] did not reside at [REDACTED] Apartment 2 Southeast, the property at issue.

22. As evidenced by the valid Illinois Driver's license tendered to Defendants, Chicago Police Detective Anthony Amato (Star no. 20511), and Chicago Police Officer Victor Rivera (Star No. 13011), on October 2, 2009, Plaintiff, [REDACTED] resided at [REDACTED]
[REDACTED]

23. Despite having knowledge of Plaintiff's registered address, Defendant, Chicago Police Detective Anthony Amato (Star No. 20511), therefore, either informed and/or confirmed to the Grand Jury, that the signing of the "Consent to Search Form" to search the residence at [REDACTED], Southeast Apartment 2, Chicago, Illinois, was signed by the Plaintiff, [REDACTED].

24. As a result, the Grand Jury, basing its decision upon the sworn testimony of Defendant, Chicago Police Detective Anthony Amato (Star No. 20511), which was the sole testimony presented, the Cook County State's Attorney, Daniel Hanichak, signed a true bill and indicted Plaintiff, [REDACTED].

25. Thereafter, upon being arraigned and being tendered discovery, including a copy of the alleged "Consent to Search Form", Plaintiff, [REDACTED] hired a handwriting expert. The Handwriting Expert, Bonnie Schwid, was given both a copy of, and the original, Consent to Search Form, handwriting exemplars of Plaintiff, [REDACTED] and various documents of Plaintiff, [REDACTED] displaying his natural signatures.

26. Upon examination of all of the above, Bonnie Schwid, Board Certified Forensic Document Examiner made the following Expert Opinion:

"Upon examination of the original document – [Consent to Search form] – it is my professional opinion that the signature on the *Consent to Search* was not written by Julian Dailey. There is a fundamental difference in the handwriting."

27. On March 30, 2011, Plaintiff, [REDACTED] learned for the first time his name was actually forged on the "Consent to Search Form".

28. Thereafter, Defendant, City of Chicago, through its agent, Chicago Police Department, petitioned the Court to have an independent handwriting analysis performed.

29. On December 15, 2011, the Illinois State crime lab conducted a forensic handwriting analysis and determined the signature on the "Consent to Search Form" was not that of Plaintiff, [REDACTED]

30. Since the alleged "Consent to Search Form" was never signed by Plaintiff, [REDACTED]

[REDACTED] the Chicago police officers that entered the residence located at [REDACTED]

[REDACTED] never obtained a consent to search from Plaintiff, [REDACTED]

31. As a result, the Grand Jury based its decision to indict and sign a true bill on absolute, unequivocal perjury.

32. Consequently, on January 24, 2012, all charged against Plaintiff, [REDACTED] were vacated.

33. As a result of these criminal charges, Plaintiff [REDACTED] was incarcerated, obliged to appear in Court on several occasions, hire legal counsel and request a trial on said false charges.

34. At the time of the incident, the City of Chicago, its police department and/or its supervisory personnel had one or more interrelated *defacto* policies, practices and/or customs of failing to train the Defendant Officers and Detectives not to violate the Fourth Amendment rights of individuals, including Plaintiff, [REDACTED]. These policies, practices and/or customs were the "driving force" and cause of the Defendant Officer and Detectives violating the Fourth Amendment rights of individuals, including Plaintiff, [REDACTED]

35. Specifically, the City of Chicago, its police department and/or its supervisory personnel had one of the more interrelated *de facto* policies, practices and/or customs of failing to train the Defendant Officers and Detectives in the proper use and implementation of "Consent

To Search” forms, probable cause, and proper use of the legal process. This failure to train lead directly to the injuries suffered by Plaintiff, [REDACTED]

36. As the proximate result of the aforementioned actions by the Defendant Officers and Detectives, Plaintiff, [REDACTED] suffered pain, suffering, loss of freedom and legal expenses.

37. All of the unlawful, intentional and reckless acts of the Defendant Officers and Detectives were committed while they acted under color of law and within the course and scope of their employment with the City of Chicago.

CAUSES OF ACTION

COUNT I

42 U.S.C. § 1983 – UNLAWFUL/FALSE ARREST

WILLFUL AND WANTON

(Plaintiff v. Defendant Officers and Detectives)

38. Plaintiff, [REDACTED] re-alleges paragraphs 1 – 37 as if fully stated herein.

39. At all relevant times herein, Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown officers, served as duly appointed City of Chicago and acted under the color of law and in the course and scope of their employment with the City of Chicago employees and in their official capacities as sworn law enforcement officers.

40. On October 2, 2009, Plaintiff, [REDACTED] was unlawfully arrested by Defendants, Chicago Police Detective Anthony Amato (Star No. 20511) and Chicago Police Officer Victor Rivera (Star No. 13011), since the signature on the “Consent to Search Form” which served as the basis for the search and subsequent arrest was forged.

41. The willful and wanton acts or omissions of Defendant, City of Chicago, through its duly appointed agents/employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 103011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers, employees/agents of the City of Chicago, violated the United States Constitution and infringed upon Plaintiff's, [REDACTED] rights by seizing, detaining and/or arresting Plaintiff, [REDACTED] without justification and/or probable cause.

42. The willful and wanton acts or omissions of Defendant, City of Chicago, through its duly appointed agents/employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 103011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers, employees/agents of Defendant, City of Chicago, violated the constitutional right of Plaintiff, [REDACTED] to be free from false arrest.

43. Defendant, City of Chicago, its agents/employees Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 103011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown officers of the City of Chicago, had a duty not to violate the constitutionally protected rights of Plaintiff, [REDACTED]

44. Defendant, City of Chicago, and its agents/employees Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 103011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown officers of the City of Chicago, acted with a conscious disregard or a reckless disregard for the duty owed to Plaintiff, [REDACTED]

45. As a result of the aforementioned willful and wanton acts or omissions by Defendants, City of Chicago, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 103011), and Chicago Police Officer J. Lopez (Star No. 809), Plaintiff, [REDACTED] was unlawfully arrested and deprived of his liberty without due process of law.

46. On or about October 2, 2009, and thereafter, as a direct and proximate result of the foregoing willful and wanton acts or omissions by Defendant, City of Chicago, by and through its agents and/or employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers of Defendant, City of Chicago, Plaintiff, [REDACTED] suffered injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, [REDACTED] prays that this Court:

- A. Enter judgment in favor of the Plaintiff and against all Defendants.
- B. Award compensatory damages in an amount in excess of \$75,000.
- C. Award punitive damages in favor of Plaintiff and against all Defendants.
- D. Award attorneys' fees and costs in favor of Plaintiff and against all Defendants.
- E. Award such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT II
42 U.S.C. § 1983 – CONSPIRACY
WILLFUL AND WANTON
(Plaintiff v. Defendant Officers, Detectives and City of Chicago)

47. Plaintiff, [REDACTED] re-alleges paragraphs 1 – 37 as if fully stated herein.

48. At all relevant times herein, Defendant, City of Chicago, through its duly authorized agents/employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown officers, served as duly appointed City of Chicago agents/employees, and acted under the color of law in the course and scope of their employment with the City of Chicago and in their official capacities as sworn law enforcement officers.

49. On October 2, 2009, Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, lacked probable cause to detain, arrest or charge Plaintiff, [REDACTED] with violations of the Illinois Criminal Code.

50. On October 2, 2009, Defendant, City of Chicago, through its duly appointed agents/employees Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, agreed to fabricate evidence to effect an unauthorized search.

51. On October 2, 2009, Defendant, City of Chicago through its duly appointed agents/employees Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star

No. 809), and various other officers of Defendant, City of Chicago, agreed to, and did, forge the signature of Plaintiff, [REDACTED] on a "Consent to Search Form", which resulted in Plaintiff, [REDACTED] being unlawfully arrested.

52. In furtherance of the agreement between Defendant, City of Chicago, through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, and Chicago Police Detective Anthony Amato, Star No. 20511, intentionally lied under oath, (1) before the Grand Jury of Cook County on October 28, 2009, and (2) on the sworn arrest.

53. Defendant, City of Chicago, its agents/employees Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers, employees/agents of the City of Chicago, had a duty not to violate the constitutionally protected rights of Plaintiff, [REDACTED]

54. Defendant, City of Chicago, by and through its agents/employees Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers of the City of Chicago, acted with a conscious disregard or a reckless disregard for the duty owed to Plaintiff, [REDACTED]

55. Defendant, City of Chicago, its agents/employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed

officers, employees/agents of the City of Chicago, through their willful and wanton acts acted in concert and knowingly falsified police reports, filed false criminal charges, withheld and/or concealed exculpatory evidence and fabricated incriminating evidence that resulted in the arrest and detainment of Plaintiff, [REDACTED] and conspired to "cover up" the false arrest and detention of Plaintiff, [REDACTED]

56. As a direct and proximate result of the foregoing agreed upon willful and wanton acts or omissions by Defendant, City of Chicago, by and through its agents and/or employees Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers of Defendant City of Chicago, Plaintiff, [REDACTED] suffered injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, [REDACTED] prays that this Court:

- A. Enter judgment in favor of the Plaintiff and against all Defendants.
- B. Award compensatory damages in an amount in excess of \$75,000.
- C. Award punitive damages in favor of Plaintiff and against all Defendants.
- D. Award attorneys' fees and costs in favor of Plaintiff and against all Defendants.
- E. Award such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff, [REDACTED] hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT III – FALSE ARREST MONELL CLAIM
**(Plaintiff v. Chicago Police Officers Lopez and Rivera,
Chicago Police Detective Amato and City of Chicago)**

57. Plaintiff re-alleges paragraphs 1-37 and incorporates them herein.

58. The actions of the Defendant Officers and Detectives, as alleged above, were done pursuant to one or more interrelated *defacto* policies, practices, and/or customs of the City of Chicago, its police department, and/or its supervisory personnel.

59. At the time of the incident, the city of Chicago, its police department, and/or its supervisory personnel had one or more interrelated *defacto* policies, practices, and/or customs of failing to train the Defendant Officers and Detectives not to violate the Fourth Amendment rights of individuals, including the Plaintiff. Specifically, the Defendant Officers and Detectives were not trained in the proper use and implementation of the legal process. Furthermore, Defendant, City of Chicago, failed properly train its Offices and Detectives on sworn testimony given under oath pursuant to penalties of perjury as said Defendant Officers and Detectives, repeatedly lied under oath in furtherance of the criminal charges against Plaintiff, [REDACTED] which laced probable cause. This failure led directly to the injuries sustained by Plaintiff, [REDACTED]

60. These policies, practices, and/or customs were the “driving force” and cause of the Defendant Officers and Detectives violating the Fourth Amendment rights of individuals, including the Plaintiff [REDACTED]

61. The actions of the City of Chicago, its police department, and/or supervisory personnel were the direct and proximate cause of the violations of Plaintiff’s Fourth Amendment rights and injuries, described above.

WHEREFORE, Plaintiff, [REDACTED] prays that this Court:

- A. Enter judgment in favor of the Plaintiff and against all Defendants.
- B. Award compensatory damages in an amount in excess of \$75,000.
- C. Award punitive damages in favor of Plaintiff and against all Defendants.
- D. Award attorneys' fees and costs in favor of Plaintiff and against all Defendants.
- E. Award such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT IV – CONSPIRACY MONELL CLAIM
(Plaintiff v. Chicago Police Officers Lopez and Rivera,
Chicago Police Detective Amato and City of Chicago)

62. Plaintiff re-alleges paragraphs 1 - 37 and incorporates them herein.

63. The actions of the Defendant Officers and Detectives, as alleged above, were done pursuant to one or more interrelated *defacto* policies, practices, and/or customs of the City of Chicago, its police department, and/or its supervisory personnel.

64. At the time of the incident, the city of Chicago, its police department, and/or its supervisory personnel had one or more interrelated *defacto* policies, practices, and/or customs of failing to train the Defendant Officers and Detectives not to violate the Fourth Amendment rights of individuals, including the Plaintiff. Specifically, the Defendant Officers and Detectives were not trained in the proper use and implementation of the legal process. Furthermore, Defendant, City of Chicago, failed properly train its Offices and Detectives on gathering scientific and not fabricated evidence, the proper use of "Consent to Search Forms, as said Defendant, Officers and Detectives, repeatedly lied upon a document that was falsified in the initial charges and

thereafter. In furtherance of the criminal charges against Plaintiff, [REDACTED] which lacked probable cause, Defendant lied under oath relying on a document containing the falsified signature of Plaintiff, [REDACTED]. This failure led directly to the injuries sustained by Plaintiff, [REDACTED].

65. These policies, practices, and/or customs were the "driving force" and cause of the Defendant Officers and Detectives violating the Fourth Amendment rights of individuals, including the Plaintiff, [REDACTED].

66. The actions of the City of Chicago, its police department, and/or supervisory personnel were the direct and proximate cause of the violations of Plaintiff's Fourth Amendment rights and injuries, described above.

WHEREFORE, Plaintiff, [REDACTED] prays that this Court:

- A. Enter judgment in favor of the Plaintiff and against all Defendants.
- B. Award compensatory damages in an amount in excess of \$75,000.
- C. Award punitive damages in favor of Plaintiff and against all Defendants.
- D. Award attorneys' fees and costs in favor of Plaintiff and against all Defendants.
- E. Award such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT V - ILLINOIS STATE CLAIM OF MALICIOUS PROSECUTION

**(Plaintiff v. Chicago Police Officers Lopez and Rivera,
Chicago Police Detective Amato and City of Chicago)**

67. Plaintiff re-alleges paragraphs 1 – 37 and incorporates them herein.

68. At all relevant times herein, Defendants, City of Chicago through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown officers served as duly appointed City of Chicago employees and acted under the color of law and in the course and scope of their employment with the City of Chicago in their official capacities as sworn law enforcement officers.

69. On October 2, 2009, and thereafter, Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato (Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, intentionally and recklessly used the legal process in a wrongful manner to accomplish a purpose for which it was not designed.

70. On October 2, 2009, and thereafter, Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, acted with an ulterior motive.

71. The willful and wanton acts committed by Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police

Officer J. Lopez (Star No. 809), and various unknown police officers, employees/agents of Defendant, City of Chicago, were not authorized by the process.

72. Defendant, City of Chicago, its agents/employees Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers, employees/agents of the City of Chicago, had a duty not to violate the constitutionally protected rights of Plaintiff, [REDACTED]

73. Defendant, City of Chicago, by and through its agents/employees Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown duly appointed officers of the City of Chicago, acted with a conscious disregard or a reckless disregard for the duty owed to Plaintiff, [REDACTED]

74. That Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and unknown police officers/agents of Defendant, City of Chicago, by their aforementioned willful and wanton conduct violated the constitutional rights of Plaintiff, [REDACTED] to be free from malicious prosecution.

75. That Defendant, City of Chicago, by and through its duly appointed agents/employees, Defendants, Chicago Police Detective Anthony Amato Star No. 20511), Chicago Police Officer Victor Rivera (Star No. 13011), Chicago Police Officer J. Lopez (Star No. 809), and various unknown police officers/agents of Defendant, City of Chicago, misuse of the legal process was a cause of injury, damage, loss and harm to Plaintiff, [REDACTED]

76. Defendants Lopez, Rivera, and Amato maliciously caused Plaintiff to be improperly subjected to judicial proceedings for which there was no probable cause.

77. These judicial proceedings were instituted and continued maliciously, resulting in injury, and all proceedings were terminated in Plaintiff's favor in a manner consistent with innocence.

78. As a result of all the aforementioned actions by Defendants Lopez, Rivera and Amato, Plaintiff, [REDACTED] suffered loss of freedom and liberty, loss of society, psychological damage, emotional distress, pecuniary injury, and legal expenses.

WHEREFORE, Plaintiff, [REDACTED] prays that this Court:

- A. Enter judgment in favor of the Plaintiff and against all Defendants.
- B. Award compensatory damages in an amount in excess of \$75,000.
- C. Award punitive damages in favor of Plaintiff and against all Defendants.
- D. Award attorneys' fees and costs in favor of Plaintiff and against all Defendants.
- E. Award such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff, [REDACTED] hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT VI - ILLINOIS STATE CLAIM OF WILLFUL AND WANTON CONDUCT **(Plaintiff v. Defendant Officers, Detectives and City of Chicago)**

79. Plaintiff re-alleges paragraphs 1 – 37 and incorporates them herein.

80. The actions of the Defendant Officers and Detectives, in repeatedly providing false testimony while under oath and misusing the legal process, inappropriately, demonstrated and amount to willful and wanton conduct.

81. Knowing of the potential for serious deprivation of Plaintiff's rights and injury to the Plaintiff, the Defendant Officers and Detectives knowingly and recklessly disregarded this risk multiple times, the end-result of these intentional acts being the injuries sustained by the Plaintiff.

82. The actions of the Defendant Officers and Detectives were the direct and proximate cause of the injuries suffered by the Plaintiff, described more fully above.

83. The Defendant Officers and Detectives were acting in the course and scope of their employment with the City of Chicago in taking these actions, and thus the City of Chicago is liable based on the theory of respondeat superior.

84. As a result of all the aforementioned actions by the Defendant officers and Detectives, the Plaintiff suffered loss of freedom and liberty, loss of society, psychological damage, emotional distress, injury, and pecuniary injury.

WHEREFORE, Plaintiff demands judgment and compensatory damages against all Defendants and because they acted maliciously, wantonly, and oppressively, Plaintiff demands substantial punitive damages against Defendants Amato, Rivera, and Lopez and any other additional relief as this Court deems equitable and just.

JURY DEMAND

Plaintiff, [REDACTED] hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

COUNT VII – ILLINOIS STATE LAW CLAIM OF INDEMNIFICATION
PURSUANT TO 745 ILCS 10/9-102
(Plaintiff v. City of Chicago)

85. Plaintiff re-alleges paragraphs 1-37 and incorporates them herein.

86. Defendant, City of Chicago, is the indemnifying entity for the actions of the Defendant Officers and Detectives, described above, who took these actions while acting under the color of law and in the course and scope of their employment with the City of Chicago.

WHEREFORE, should Defendants, Chicago Police Detective Anthony Amato, Star No. 20511, Chicago Police Officer Victor Rivera, Star No. 13011 and Defendant, J. Lopez, Star No. 809, be found liable of the federal claims set forth above, the Plaintiff, [REDACTED] demands that Defendant, City of Chicago be found liable for any judgment (other than punitive damages) he obtains thereon, pursuant to 745 ILCS 10/9-102.

JURY DEMAND

Plaintiff, [REDACTED] hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all triable issues.

Respectfully submitted

By: /s/ Vivian Tarver-Varnado
One Of The Attorneys For Plaintiff

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